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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/934,678 09/10/92 WOOD

FRED PHILPITT
99 CANAL CENTER PLAZA
SUITE 300
ALEXANDRIA, VA 22314

D3M1/0709

F EXAMINER

VARGOT, M

ART UNIT	PAPER NUMBER
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1307

DATE MAILED:

07/09/93

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 9/10/92 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-8 are pending in the application.
Of the above, claims are withdrawn from consideration.
2. ☐ Claims have been cancelled.
3. ☐ Claims are allowed.
4. ☒ Claims 1-6 & 8 are rejected.
5. ☒ Claim 7 is objected to.
6. ☐ Claims are subject to restriction or election requirement.
7. ☒ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are ☐ acceptable ☐ not acceptable (see explanation or Notice re Patent Drawing, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed on has been ☐ approved. ☐ disapproved (see explanation).
12. ☒ Acknowledgment is made of the claim for priority under U.S.C. 119. The certified copy has ☒ been received ☐ not been received
☐ been filed in parent application, serial no. ; filed on
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

PTOL-326 (Rev. 9-89)

PTO Copy

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1. This application does not contain an Abstract of the Disclosure as required by 37 C.F.R. § 1.72(b). An Abstract on a separate sheet is required.
2. The following guidelines illustrate the preferred layout and content for patent applications. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

The following order or arrangement is preferred in framing the specification and, except for the title of the invention, each of the lettered items should be preceded by the headings indicated below.

- (a) Title of the Invention.
 - (b) Cross-References to Related Applications (if any).
 - (c) Statement as to rights to inventions made under Federally-sponsored research and development (if any).
 - (d) Background of the invention.
 1. Field of the Invention.
 2. Description of the Related Art including information disclosed under 37 C.F.R. §§ 1.97-1.99.
 - (e) Summary of the Invention.
 - (f) Brief Description of the Drawing.
 - (g) Description of the Preferred Embodiment(s).
 - (h) Claim(s).
 - (i) Abstract of the Disclosure.
3. Claims 2-6 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, it is unclear how the fluid medium which inserts the lateral lining can also inflate the sealing means. In claim 4, it is unclear how the seal arrangement can comprise an elbow pipe and at the same time be connected to the elbow. Connected

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in what manner? Also in claim 4, line 2, "arrangement" is misspelled. Claim 5, lines 1 and 2, "when taken with claim 2" should be properly deleted. Claim 3, line 4, "additional" is misspelled.

4. Claim 7 is objected to under 37 C.F.R. § 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See M.P.E.P.

§ 608.01(n). Accordingly, the claim has not been further treated on the merits.

5. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1-6 and 8 are rejected under 35 U.S.C. § 103 as being unpatentable over European Patent Application 241,719 in view of PCT Application 85/03758.

European -719 discloses the basic claimed lateral relining

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method (p.7, lines 14+) lacking essentially the aspect of sealing the location around the lateral. PCT Application teaches the grouting of a lateral hole in a pipeline employing an inflatable sealing means. It would have been obvious to one of ordinary skill to modify the method of the primary reference with an inflatable sealing as taught by PCT-758 to prevent any possibility of mains water from interfering with the lining procedure.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Vargot whose telephone number is (703) 308-2621.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.

Vargot/mm
June 23, 1993

M. Vargot
MATHIEU VARGOT
EXAMINER
AV 1307
7/8/93